

REMARKS CONCERNING THE STATUS OF THE CLAIMS WITHOUT
FURTHER AMENDMENTS

The only Amendment of the claims beyond the cancellation of claims 23-30 that has been presented in this Amendment is the correction of an apparent deficiency of antecedent basis in claim 21. That deficiency is non-substantive with respect to the scope of protection and prior art and should be entered. The application is in *prima facie* condition for allowance.

SUMMARY OF THE OFFICE ACTION (ADVISORY ACTION)

Claims 1-22 and 31-37 have been indicated as allowable. Claims 23-30 have been indicated as unpatentable because they are "broad claims and/or intended use of methods in other environments."

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RESPONSE TO THE REJECTIONS

Claims 1-22 and 31-37 have been indicated as allowable. Claims 23-30 have been indicated as unpatentable because they are "broad claims and/or intended use of methods in other environments." It is assumed that the "unpatentable" nature of claims 23-30 relates to the rejection in the Final Office Action that had been directed towards Claims 1-19 and 22-37 being rejected under 35 USC 103(a) as unpatentable over Williams in view of Ornstein (US Patent No. 5,570,885).

Although Applicant has clearly shown in the previous response that claims 23-30 are patentable over the rejections of record, Applicant will elect to prosecute those claims in a continuation application and cancel those claims (23-30) in this Office Action to expedite the issuance of a Patent on the technology. The Advisory Action has indicated that the now cancelled claims differ in scope from the allowed claims, so that a rejection in the continuation under 35 USC 101 Double Patenting would not be appropriate.

BEST AVAILABLE COPYCONCLUSION

Applicant has shown that all rejections of record have been overcome by the cancellation of claims 23-30, the only rejected claims.

Applicants assume the application is now in proper order and in condition for examination. If the Examiner finds that certain issues may remain in this application, the Examiner is courteously invited to call the attorney of record, Mark A. Litman at 952.832.9090 to discuss those remaining issues.

Respectfully submitted,

MARK YOSELOFF

By their Representatives,

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Date: JANUARY 14, 2005

By: 

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being faxed to the United States Patent and Trademark Office to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on January 14, 2004.

Mark A. Litman
Name


Signature